

REMARKS

The Examiner has objected to claims 4 and 10 under 37 CFR 1.75(c) as being in improper dependent form for failing to further limit the subject matter of a previous claim. Claim 10 is an independent claim and claim 4 has been amended so that it is embraced within the generic structure recited in claim 10.

Accordingly, claim 4 has been rewritten as suggested by the Examiner into proper dependency upon claim 10. Accordingly, the objection to claims 4 and 10 should now be withdrawn.

The rejection of claim 4 under 35 USC 103(a) as being unpatentable over Rayabarapu et al in view of USP 3,642,785 is respectfully traversed.

Claim 4, as amended, is dependent upon claim 10 and is limited to an indene derivative not taught or suggested in Rayabarapu et al or in USP 3,642,785. Moreover, the remaining compounds specified in dependent claim 4 are embraced by the generic structure recited in claim 10.

Accordingly, claim 4, as amended, is clearly patentable over Rayabarapu et al in view of USP 3,642,785 and the rejection therefore should be withdrawn.

CONCLUSION

Reconsideration and allowance of claims 4 and 10 is respectfully solicited.

Respectfully submitted,

By:


Eugene Lieberstein
Registration No. 24,645

Dated: August 7, 2009

CUSTOMER NO.: 79681

BAKER & HOSTETLER, LLP
45 Rockefeller Plaza
New York, NY 10111
Phone: 212-589-4644

CERTIFICATE OF TRANSMISSION

I hereby certify that this Amendment is being submitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 via EFS-Web on August 7, 2009.


Audrey de Souza